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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte JAMES T. DOUBET

Appeal 2010-002086
Application 10/668,533
Technology Center 3600

Before: HUBERT C. LORIN, ANTON W. FETTING, and JOSEPH A.
FISCHETTI, *Administrative Patent Judges*.

FISCHETTI, *Administrative Patent Judge*.

DECISION ON APPEAL¹

¹ The two-month time period for filing an appeal or commencing a civil action, as recited in 37 C.F.R. § 1.304, or for filing a request for rehearing, as recited in 37 C.F.R. § 41.52, begins to run from the “MAIL DATE” (paper delivery mode) or the “NOTIFICATION DATE” (electronic delivery mode) shown on the PTOL-90A cover letter attached to this decision.

STATEMENT OF CASE

Appellant seeks our review under 35 U.S.C. § 134 (2002) from a final rejection of claims 1-19 and 21. We have jurisdiction under 35 U.S.C. § 6(b). Claim 20 is canceled.

We affirm.

THE CLAIMED INVENTION

Appellant claims methods and systems enabling country of origin labeling and verification for livestock products (Specification 5:21-23). Claim 1 is illustrative of the claimed subject matter:

1. A method of tracking animal transfers with animal passports, the method comprising:
 - creating an animal passport to represent a transfer of animals from a transferor to a transferee;
 - assigning a unique passport identifier to the created animal passport, thereby providing a unique identification of the transfer; and
 - repeating the creating and assigning for each of at least one subsequent transfer of one or more of the animals, wherein the animal passport created for each subsequent transfer also records the unique passport identifier assigned to each most-recent previous transfer of those animals.

REFERENCES

The prior art relied upon by the Examiner in rejecting the claims on appeal is:

Curkendall

US 2003/0177025 A1

Sep. 18, 2003

REJECTION

The Examiner rejected claims 1-19 and 21 under 35 U.S.C. § 102(e) as anticipated by Curkendall.

ISSUES

Did the Examiner err in rejecting claims 1-19 and 21 under 35 U.S.C. § 102(e) over Curkendall as disclosing a single, unique identifier would be used for each event that is applied to a group of animals, because Curkendall discloses a unique identifier in the form of the “unique identification 221” representing the transfer of a group of animals as a group event?

Did the Examiner err in rejecting claims 1-19 and 21 under 35 U.S.C. § 102(e) over Curkendall as disclosing recording a unique passport identifier assigned to each most-recent previous transfer, because Curkendall discloses recording all transfers in a chain of title for each animal?

Did the Examiner err in rejecting claims 1-19 and 21 under 35 U.S.C. § 102(e) over Curkendall as disclosing using entries in a repository to determine whether a country of origin claim can be made stating that a selected animal was always physically located, from its birth to its death, in a particular country, because Curkendall discloses that every transfer for an animal is recorded so that the entire chain of title for an animal can be traced, that the records contain the address of each location of the animal throughout its life, and that Curkendall discloses an animal origin report using 16 data items, including origin, which are part of a report for tracking animal origin and animal source verification?

FINDINGS OF FACT

We find the following facts by a preponderance of the evidence.

1. Curkendall discloses recording event information on each transfer of an animal so that:

Changes in ownership of the live animal are recorded as events for both the seller and the buyer where an event detail identifies the buyer and seller, respectively. In this manner, the ownership of the live animal can be traced, and events and event details from every owner can be accrued.

(¶ [0395]).

2. Curkendall discloses that recorded “events” include a unique identification data field, in that “dynamic event object 220 includes unique identification 221 of the event ...” (¶ [0238]).
3. Curkendall discloses that the “dynamic event object 220” includes a unique time stamp identifier within “auditing 224 which includes the date and time of the transaction...” (¶ [0238]).
4. Curkendall discloses a group event in that “dynamic event object 220” is “a transaction-based data element that can be related to an animal, person, place, group, or object.” (¶ [0238]).
5. Curkendall further discloses a “group event” which “permits any event or one or more regimen to be applied to a group of animals...” (¶ [0249]).
6. Curkendall discloses that the number of animals in a group is specified in the database of animals and transfer events, because software “determines the number of animals in a group and the number of animals to be transferred at step 4900.” (¶ [0329]).

7. Curkendall discloses that each event detail record stored contains a field for “location”, and descriptive fields including “Breed” (§ [0386]).
8. Curkendall discloses that event object 220 may contain specific location data, including “customer information such as address ...” (§ [0238]).
9. Curkendall discloses recording user identity of the entity which inputs event data, stating, the “Entity ID is the field that identifies the entity which posted each event.” (§ [0390]).
10. Curkendall discloses that the integrity of data entered in the system is ensured because “[t]he combination of the data integrity layer and the tamper-evident layer provide a complete, trusted audit trail of all events and activities in the system.” (§ [0192]).
11. Curkendall discloses generating an animal origin report using 16 data items, where “these 16 items support the current reporting needs of the IQBSN [Iowa Quality Beef Supply Network] to track animal origin ...” (§ [0363]).
12. It is our understanding that the IQBSN provides extra compensation to producers for animals whose complete history indicate particular high-quality animal origins and health histories, based on the records kept on each animal through the IQBSN tracking system.
13. Curkendall discloses comparing location information to a claim of origin through “source verification [which] provides an opportunity for enhanced product value through improved quality assurance and food safety.” (§ [0038]).
14. Curkendall discloses that origin information includes the complete history of the animal because “the complete history of an animal is equally available throughout the production cycle, and both source

verification and specific performance information are accessible without unnecessary duplication of data.” (§ [0036]).

ANALYSIS

Independent Claims 1 and 18

Appellant argues that in Curkendall “there is no teaching that a single, unique identifier would be used for each event that is applied to a group of animals, in contrast to Appellant's recited ‘a unique passport identifier’ and ‘a unique identification of the transfer’.” (Appeal Br. 16 footnote 3).

We disagree with Appellant, for the following reasons. Claim 1 recites in pertinent part, *assigning a unique passport identifier to the created animal passport, thereby providing a unique identification of the transfer*. We find that Curkendall discloses that transfers of animals are recorded as “events” (FF 1), and that each “event object 220” record includes a “unique identification 221” (FF 2). We find that Curkendall’s event identification is unique because each identification is associated with a time stamp recorded with the event data (FF 3). We further find that Curkendall discloses that the event object 220 can be related to a group of animals (FF 4), which is done by way of the “group event”. (FF 5). Therefore, we find that Curkendall meets the claim requirements because it discloses a unique identifier in the form of the “unique identification 221” representing the transfer of a group of animals as a group event.

Appellant further argues that “Curkendall clearly fails to establish Appellant's recited ‘animal passport created for each subsequent transfer also records the unique passport identifier assigned to each most-recent previous transfer . . .’ (Claim 1, lines 7 - 9)” (Appeal Br. 18).

We disagree with Appellant's argument, because as found, *supra*, Curkendall discloses a unique identifier associated with a group transfer (FF 2-5), and discloses that all transfer event details from every owner can be accrued for each animal in a group (FF 1). We thus find Curkendall meets the claim limitation *for each subsequent transfer also records the unique passport identifier assigned to each most-recent previous transfer of those animals*, because Curkendall records all transfer events for every owner, including each event's unique identifier, for each group, which would include the *most-recent previous transfer*.

We also affirm the rejection of claim 18 for the same reasons set forth for claim 1.

Independent Claim 16

Appellant argues that "there is also no discussion in para. [0027] of also recording a specification of how many animals are in the group A (Claim 16, lines 4 - 5) and an identification of the transferor(s) and transferee(s) (Claim 16, lines 5 - 6)." (Appeal Br. 31).

We are not persuaded by Appellant's argument, because Curkendall discloses that information is recorded to determine the number of animals in a group (FF 6), and the identities of each buyer and seller (FF 1), thus meeting the claim language.

The remainder of Appellant's arguments to claim 16 were addressed, *supra*, at claim 1.

Claim 21

Appellant argues that in Curkendall "Fig. 63 contains no reference to 'location'" (Appeal Br. ¶ 108) or "descriptive information" (Appeal Br. 44).

We are not persuaded, because Curkendall discloses that detailed event records stored in the “passport” repository include “location” and descriptive information such as “breed” (FF 7, 8).

Appellant also argues that cited paragraph [0237] of Curkendall “fails to disclose the use of two signatures as claimed” (Appeal Br. 43).

We are not persuaded by Appellant’s argument, because Curkendall discloses that changes in ownership of the live animal are recorded as events for both the seller and the buyer where an event detail identifies the buyer and seller (FF 1). Additionally, Curkendall discloses that the identity of each entity doing a transfer is recorded (FF 9), and a data integrity system ensures the integrity of identity records (FF 10). We find, therefore, that Curkendall meets the claim language by recording in the database, buyer and seller identities, as each entity sends or receives a transfer, which recordings are considered the electronic version of a signature because of the data integrity features disclosed in Curkendall (FF 10).

Finally, Appellant argues that Curkendall’s “Fig. 63 does not contain the word ‘origin’, and para. [0131] simply says that ‘origin’ is a core event” (Appeal Br. 45), and therefore does not disclose the claim language, *using the entries in the repository to determine, for a selected one of the animals, whether a country of origin claim can be made stating that the selected one was always physically located, from its birth to its death, in a particular country by comparing, in each of the entries that pertains to transferring the selected animal, the location to the particular country.*

We are not persuaded by Appellants' argument, because as found, *supra*, that Curkendall records every transfer for an animal so that the entire chain of title for an animal can be traced (FF 1), and that the records contain

the address of each location of the animal throughout its life (FF 7, 8). Further, we found that Curkendall discloses an animal origin report using 16 data items, including origin, which are part of a report for tracking animal origin (FF 11, 12), and animal source verification (FF 13, 14). Thus, Curkendall's chain of title, location records, source verification, and animal origin report meet the claim requirements.

We have addressed the remainder of Appellant's arguments, *supra*, at claims 1 and 16.

Claim 2

We sustain the rejection of claim 2 for the same reasons set forth for claim 21.

Claim 11

We sustain the rejection of claim 11 for the same reasons set forth for claim 1.

Claim 12

Appellant argues that "the very-broad statement from para. [0029] which is relied upon in the Office Action clearly does not disclose" the features of claim 12 (Appeal Br. 21, 22)

Claim 12 recites in pertinent part: *wherein additional animals are included in one or more of the subsequent transfers, and wherein the animal passport created for such subsequent transfers also records the unique passport identifier assigned to each most-recent previous transfer of those additional animals.*

We are not persuaded by Appellant's argument, because Curkendall discloses recording all transfers from all animals (FF 1) including groups of animals (FF 4, 5) and thus meets the claim limitation by recording all

transfers for all animals in every group, which would necessarily include each *most-recent previous transfer*.

Claim 13

Appellant first argues that “Curkendall fails to disclose recording such animal passports in a repository as recited on lines 3 - 7 of Claim 13.” (Appeal Br. 22).

We accept as our own the Examiner’s finding from page 8 of the Answer that Curkendall at paragraph [0027] discloses the passport information stored in a database repository, thus meeting the claim requirement.

Appellant next “submits that the quoted text from para. [0144] Curkendall clearly fails to establish Appellant’s recited ‘determining a country of origin . . .’ (Claim 13, lines 9-11)” (Appeal Br. 23).

We disagree, because as found, *supra*, Curkendall discloses report generation for the purposes of tracking animal origin (FF 11, 12) and animal source verification (FF 13, 14), thus meeting the claim language.

Claim 14

Appellant argues that “Para. [0363] fails to disclose preparing any kind of ‘claim’” because “para. [0363] refers to Fig. 54 as providing ‘a report ... to show information for each animal’, and Appellant notes that Fig. 54 provides rows of information, none of which indicates any type of ‘claim’ about whether [or not] an animal has been located only in a selected country.” (Appeal Br. 25).

Claim 14 recites in pertinent part, *preparing a country of origin claim for the selected animal, using the determined locations, wherein the country*

of origin claim indicates whether the selected animal has been located only in a selected country throughout the lifetime of the animal.

We disagree with Appellants, because we find that Curkendall discloses an animal origin report (FF 11, 12), which meets the claim requirements because the report contains information on the locations the animal has been throughout its lifetime (FF 7, 8), so as to enable determination of which country those addresses are located. Additionally, Curkendall's source verification program (FF 13, 14) compares location information to a claim of origin through "source verification" to verify location.

The remainder of Appellant's arguments were addressed, *supra*, at claim 21.

Claim 15

Appellant argues that Curkendall fails to disclose the claim limitation, stating, "[a]n equally plausible interpretation of "Origin" in para. [0363] is that this is a specification of where an animal was born." (Appeal Br. 28-29).

Claim 15 recites in pertinent part *constructing a chain of transfers for a selected one of the animals using each of the most recent previous unique passport identifiers recorded on the animal passports associated with the selected animal, thereby determining all locations in which the selected animal has been located throughout its lifetime; and verifying a country of origin claim for the selected animal by comparing the determined locations to one or more locations stated in the country of origin claim.*

We are not persuaded by Appellant's position because our findings support that the disclosure in Curkendall meets the claim requirements. That is, as found, *supra*, Curkendall discloses a chain of title (FF 1), a animal

origin report which provides information used in a country of origin claim (FF 11, 12), and records which include locations of animals (FF 7, 8). We also found, *supra*, that Curkendall discloses the origin records are compared to an origin claim, since this is the mechanism used by Curkendall's source verification system (FF 13). We also find that Curkendall discloses that its source verification includes an animal's complete history (FF 14), which would need to include all location information, and not necessarily limited to an animal's birth location. Therefore, we find Curkendall's animal origin report contains a full location history used in a source verification program, thus meeting the claim limitations.

The remainder of Appellant's arguments were addressed, *supra*, at claim 21.

Claim 17

Appellant argues that ¶ [0395] of Curkendall does not disclose “tracing transfer of a subset’ of animals” because Curkendall discloses a “unique identifier of an animal” (Appeal Br. 35).

We are unpersuaded by Appellant's position, because as we found, *supra*, Curkendall discloses tracing the history of each animal (FF 1), including recording events against groups of animals (FF 5), and source verification (FF 11-14), thus meeting the claim language.

Claim 19

We sustain the rejection of claim 19 for the same reasons as set forth for claim 1.

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We also affirm the rejections of dependent claims 3-10 since Appellants have not challenged such with any reasonable specificity. *See In re Nielson*, 816 F.2d 1567, 1572 (Fed. Cir. 1987).

CONCLUSIONS OF LAW

The Examiner did not err in rejecting claims 1-19 and 21 under 35 U.S.C. § 102(e) over Curkendall.

DECISION

The Examiner's rejection of claims 1-19 and 21 is AFFIRMED.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a)(1)(v) (2010).

AFFIRMED

MP

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